

## **Exhibit B**

**CUSTOMER CLAIM**

Claim Number \_\_\_\_\_

Date Received \_\_\_\_\_

**BERNARD L. MADOFF INVESTMENT SECURITIES LLC**

In Liquidation

**DECEMBER 11, 2008**

(Please print or type)

Name of Customer: P Charles Gabriele

Mailing Address: 401 Edgemere Way N

City: Naples State: FL Zip: 34105

Account No.: 1-CM431

Taxpayer I.D. Number (Social Security No.): \_\_\_\_\_

**NOTE: BEFORE COMPLETING THIS CLAIM FORM, BE SURE TO READ CAREFULLY THE ACCOMPANYING INSTRUCTION SHEET. A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT AND, TO RECEIVE THE FULL PROTECTION AFFORDED UNDER SIPA, ALL CUSTOMER CLAIMS MUST BE RECEIVED BY THE TRUSTEE ON OR BEFORE March 4, 2009. CLAIMS RECEIVED AFTER THAT DATE, BUT ON OR BEFORE July 2, 2009, WILL BE SUBJECT TO DELAYED PROCESSING AND TO BEING SATISFIED ON TERMS LESS FAVORABLE TO THE CLAIMANT. PLEASE SEND YOUR CLAIM FORM BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED.**

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**1. Claim for money balances as of December 11, 2008:**

- a. The Broker owes me a Credit (Cr.) Balance of \$ 0.00
- b. I owe the Broker a Debit (Dr.) Balance of \$ 0.00
- c. If you wish to repay the Debit Balance,  
please insert the amount you wish to repay and  
attach a check payable to "Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC."  
If you wish to make a payment, it must be enclosed  
with this claim form. \$
- d. If balance is zero, insert "None." \$                          None

2. Claim for securities as of December 11, 2008:

**PLEASE DO NOT CLAIM ANY SECURITIES YOU HAVE IN YOUR POSSESSION.**

	<u>YES</u>	<u>NO</u>
a. The Broker owes me securities	✓	
b. I owe the Broker securities		✓
c. If yes to either, please list below:		

Date of Transaction (trade date)	Name of Security	Number of Shares or Face Amount of Bonds	
		The Broker Owes Me (Long)	I Owe the Broker (Short)
See Nov. 30, 2008 CM431 statements, attached hereto as Exhibit A			
\$13,532,252.48 (market value of securities long, per CM431-3 statement)			
473,550.00 (market value of securities long, per CM431-4 statement)			
(668,710.00) (market value of securities short, per CM431-4 statement)			
Total \$13,337,092.48			

Proper documentation can speed the review, allowance and satisfaction of your claim and shorten the time required to deliver your securities and cash to you. Please enclose, if possible, copies of your last account statement and purchase or sale confirmations and checks which relate to the securities or cash you claim, and any other documentation, such as correspondence, which you believe will be of assistance in processing your claim. In particular, you should provide all documentation (such as cancelled checks, receipts from the Debtor, proof of wire transfers, etc.) of your deposits of cash or securities with the Debtor from as far back as you have documentation. You should also provide all documentation or information regarding any withdrawals you have ever made or payments received from the Debtor.

See Exhibits A and B, and documents submitted herewith.

Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement. If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.

**PLEASE CHECK THE APPROPRIATE ANSWER FOR ITEMS 3 THROUGH 9.**

**NOTE: IF "YES" IS MARKED ON ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.**

	<u>YES</u>	<u>NO</u>
3. Has there been any change in your account since December 11, 2008? If so, please explain.	_____	✓
4. Are you or were you a director, officer, partner, shareholder, lender to or capital contributor of the broker?	_____	✓
5. Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of the broker?	_____	✓
6. Are you related to, or do you have any business venture with, any of the persons specified in "4" above, or any employee or other person associated in any way with the broker? If so, give name(s)	_____	✓
7. Is this claim being filed by or on behalf of a broker or dealer or a bank? If so, provide documentation with respect to each public customer on whose behalf you are claiming.	_____	✓
8. Have you ever given any discretionary authority to any person to execute securities transactions with or through the broker on your behalf? Give names, addresses and phone numbers.	_____	✓
9. Have you or any member of your family ever filed a claim under the Securities Investor Protection Act of 1970? If so, give name of that broker.	_____	✓

Please list the full name and address of anyone assisting you in the preparation of this claim form: Joshua Keller, Esq.,  
Milberg LLP, One Pennsylvania Plaza, New York, NY 10119

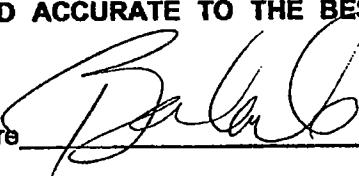
If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate your claim is an estimated claim.

**IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM.  
CONVICTION CAN RESULT IN A FINE OF NOT MORE THAN \$50,000 OR  
IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR BOTH.**

**THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF.**

Date 5/27/2009

Signature



Date \_\_\_\_\_

Signature \_\_\_\_\_

(If ownership of the account is shared, all must sign above. Give each owner's name, address, phone number, and extent of ownership on a signed separate sheet. If other than a personal account, e.g., corporate, trustee, custodian, etc., also state your capacity and authority. Please supply the trust agreement or other proof of authority.)

**This customer claim form must be completed and mailed promptly,  
together with supporting documentation, etc. to:**

Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC  
Claims Processing Center  
2100 McKinney Ave., Suite 800  
Dallas, TX 75201

## **Exhibit A**

**BERNARD L. MADOFF**  
**INVESTMENT SECURITIES LLC**  
 New York  London

\*\*DUPLICATE\*\* FOR ACCOUNT NTC & CO.  
 P CHARLES GABRIELE

885 Third Avenue  
 New York, NY 10022  
 (212) 230-2424  
 800 334-3433  
 Fax (212) 838-4061

401 EDGEMERE WAY N  
 NAPLES FL 34105

1-CM431-3-0

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Affiliated with  
 Madoff Securities International Limited  
 12 Berkeley Street  
 Mayfair, London W1J 8DT  
 Tel 020 7493 6222

DATE	BORGD RECEIVED OR DEMADE	SOLD DEMADE	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DATED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
BALANCE FORWARD							
11/12				2433 THE MARKET STORES INC.	53.270	416,720.156	
11/12				2935 INTERNATIONAL BUSINESS MACHS	87.270	423,985.33	
11/12				6759 EXXON MOBIL CORP	72.880	1,318,466.28	
11/12				7261 INTEL CORP	14.510	288,133.53	
11/12				11587 JENSON-JOHNSON	19.590	562,663.18	
11/12				15913 J.P. MORGAN CHASE & CO	38.530	498,136.95	
11/12				20238 COCA COLA CO	44.660	307,893.08	
11/12				24564 MEDOMAILAS ERP	55.370	223,636.66	
11/12				25890 WEPER CO	28.270	23,736.00	
11/12				33216 MICROSOFT CORP	21.810	595,739.85	
11/12				37542 ORACLE CORPORATION	17.300	238,875.80	
11/12				50520 PERSICO INC	56.410	307,821.73	
11/12				50621 Pfizer Inc	100.180	310,233.26	
11/12				54846 PFIZER INC	16.940	394,733.18	
11/12				55348 ABBOTT LABORATORIES	54.610	298,006.33	
11/12				59372 PROCTER & GAMBLE CO	64.980	662,487.56	
11/12				60744 QUANTUM ENERGY	59.160	226,874.96	
11/12				63498 PHILLIP MORRIS INTERNATIONAL	43.600	313,117.00	
11/12				64000 BANK OF AMERICA	21.590	372,467.80	
11/12				67824 QUINTON INVESTMENTS	33.770	194,068.80	
11/12				68326 QUT GROUP INC	23.210	23,125.05	
11/12				12150 SCHLUMBERGER LTD	49.480	213,183.40	
11/12				72652 COMCAST CORP	16.510	170,994.32	
				CL A			
CONTINUED ON PAGE 2							

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**INVESTMENT SECURITIES LLC**  
 New York  London

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 CHARLES GABRIELÉ

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PAGE	BROUGHT FORWARD BALANCE	SOLD OR PURCHASED	TRN	DESCRIPTION	PRICE OR AMOUNT	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
11/12	20,377		76476	AT&T INC	27.52•510	550,994•00	
11/12	5,156		76978	CONCORPHILIPS UNITED STATES SWING CLASS B	52.920	271,473•66	
11/12	3,466		89862			179,362•76	
11/12	20,951		81304	CISCO SYSTEMS INC	16•730	351,348•23	
11/12	6,027		85128	U.S. PAN CORP	29•530	178,218•31	
11/12	5,444		85630	CHEVRON CORP	73.420	321,144•23	
11/12	36,449		89454	GENERAL TECHNOLOGIES CORP	53.160	183,226•04	
11/12	9,758		89956	GENERAL ELECTRIC CO	19•630	716,950•87	
11/12	8,621		93780	VERIZON COMMUNICATIONS	30•410	297,130•78	
11/12	8,621		93282	GODDELL	33.400	290,530•69	
11/12	12,054		93105	HEWLETT PACKARD CO	29•800	359,694•20	
11/12	8,610		98608	U.S. TREASURY BILL DUE 11/30/2008 12/16/2008	34•900	300,833•00	
11/12	100,000		13782		99•342		99,942•00
11/12	12,925,000		20719	U.S. TREASURY BILL DUE 2/12/2009 FIDELITY SPARTAN	99•936		12,916,728•00
11/12					DIV		54•03
11/12				U.S. TREASURY MONEY MARKET DIV 11/12/08 FIDELITY SPARTAN			66,353•00
11/12	27,274		25186	U.S. TREASURY MONEY MARKET	1	27,274•00	
				CONTINUED ON PAGE 3			

08-01789-cgm Doc 886-2 Filed 11/12/08

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DATE	BOUGHT RECEIVED	SOLD DELIVERED	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
11/19				FIDELITY SPARTAN U S TREASURY MONEY MARKET DIV 11/19/09	DIV		3•35
			271274	FIDELITY SPARTAN U S TREASURY MONEY MARKET	1		27,274•00
11/19	375,000		50446	U S TREASURY BILL DUE 01/26/2009	99•226	874•352•50	
			59485	FIDELITY SPARTAN U S TREASURY MONEY MARKET	1	12,777•00	
				NEW BALANCE		1,609,528•78	
				SECURITY POSITIONS	MKT PRICE		
	26,377		487,453	ABBOTT LABORATORIES	29•560		
	5,453		3,731	ANGEN INC	32•390		
	3,157		7,175	APPLE INC	55•540		
	7,220		20,951	BANK OF AMERICA	92•670		
	7,175		18,655	CHEVRON CORP	16•250		
			16,388	CISCO SYSTEMS INC	17•010		
			10,332	CITI GROUP INC	16•540		
				COCA COLA CO	8•290		
				CONCAST CORP	16•370		
				CL A	17•340		
				CONTINUED ON PAGE 2			

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BOUGHT RECEIVED	SOLD DELIVERED	TICKER	DESCRIPTION	PRICE OR SYMBOL	AMOUNT PURCHASED TO YOUR ACCOUNT	AMOUNT SOLD TO YOUR ACCOUNT
5,166			CONOCOPHILIPS	52•520		
18,081			EXXON MOBIL CORP	30•150		
36,449			CENTRAL ELECTRIC CO	17•170		
881			GOOGLE	292•960		
8,610			HEWLETT PACKARD CO	35•280		
19,803			INT'L CORP	13•800		
2,872			INTERATIONAL BUSINESS MACHINES	31•600		
12,915			J.P.MORGAN CHASE & CO	31•660		
9,471			JOHNSON & JOHNSON	58•580		
4,013			MCDONALDS CORP	58•750		
2,452			MICROSOFT CORP	26•720		
27,265			ORACLE CORPORATION	20•220		
13,776			PEPSICO INC	16•090		
5,453			PHILIP MORRIS INTERNATIONAL	56•700		
23,241			PROCTER & GAMBLE CO	6•710		
7,445			QUALCOMM INC	42•160		
10,332			SCHLUMBERGER LTD	64•350		
5,740			FIDELITY SPARTAN	33•570		
4,365			U S TREASURY MONEY MARKET	56•760		
12,771			U S BANCORP INVESTMENT	26•980		
6,1927			UNITED PARCEL SERVICE INC CLASS B	57•500		
3,444			U S TREASURY BILL DUE 03/26/2009	99•971		
875,000			CONTINUED ON PAGE 5			

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York □ London

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11/30/08

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11/30/08

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401 EDGEMERE WAY N  
NAPLES FL 34105

YOUR ACCOUNT NUMBER  
1-CM431-3-0

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DATE BOUGHT RECEIVED	SELLS DELIVERED	TRAN DESCRIPTION	PRICE OR AMOUNT TO YOUR ACCOUNT	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
		UNITED TECHNOLOGIES CORP	48.530		
		VERIZON COMMUNICATIONS	73.650		
		WAL-MART STORES INC	25.880		
		WELLS FARGO & CO NEW	28.890		
		MARKET VALUE OF SECURITIES			
		LINING			
		13,532,923.2048			
		195165			
		153,764			

**BERNARD L. MADOFF**  
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Page of 1					
DATE RECEIVED	SOLD PROCEEDS	TIN	DESCRIPTION	PRICE OF SECURITY	AMOUNT DEBITED TO YOUR ACCOUNT
<b>YEAR-TO-DATE SUMMARY</b>					
			DIVIDENDS		
			GROSS PROCEEDS FROM SALES		
					89,431,333.26
					91,237.38



## **Exhibit B**

**EXHIBIT B**

1. This Claim Form, exhibits, and supporting documentation (collectively "Claim Form") is submitted pursuant to the December 23, 2008 Order of the Honorable Burton R. Lifland and the instructions disseminated by Irving H. Picard, Trustee for Bernard L. Madoff Investment Securities LLC ("Trustee"), on December 11, 2008.
2. The information provided in the Claim Form is based on information provided in the Claimant's latest Madoff account statement and additional information known by the Claimant as of the date of the submission of the Claim Form. The Claimant reserves the right to amend and/or supplement this Claim Form upon the receipt of further information, or upon request by the Trustee for additional information.
3. The Claimant reserves the right to amend the Claim Form in the event of any recoveries by the Trustee or any other party under the avoidance powers of the Bankruptcy Code or otherwise, or in the event of rejections of executory contracts pursuant to Bankruptcy Code Section 365, whether such amendments are made pursuant to Bankruptcy Code Sections 105, 502(g), or 502(h), Bankruptcy Rule 3002(c)(3), (4), other provisions of applicable bankruptcy law, or general principles of law or equity.
4. The Claimant hereby requests that the Claim Form be considered as a proof of claim in *In re Bernard L. Madoff Investment Securities LLC*, No. 08-01789 (Bankr. S.D.N.Y.).
5. This Claim Form is required to be submitted pursuant to the Court's January 2, 2009 Order and the Trustee's instructions to the Claimant. To the extent permitted by applicable law, the Claimant does not, by submitting the Claim Form, consent to the jurisdiction of the Bankruptcy Court nor does Claimant waive any right to trial by jury.
6. The Claimant reserves all rights, claims, and/or defenses as to and/or against any and all parties potentially liable for the losses sustained by the Claimant, including, without limitation, Bernard L. Madoff Investment Securities LLC and its owners, partners, employees, and affiliates, as well as any potentially liable third parties including, without limitation, investment advisors, "feeder funds," accountants, and auditors.
7. The Claimant further reserves all rights, claims, and/or defenses as to and/or against any persons and/or creditors asserting claims against Bernard L. Madoff Investment Securities LLC, its employees, owners, and/or affiliates, in bankruptcy or otherwise.
8. The Claimant reserves all objections as to the competence, relevance, materiality, privilege, or admissibility of evidence in any subsequent proceeding or trial of this or any other action for any purpose whatsoever, notwithstanding the submission of any such information to the Trustee.
9. To the extent the Claimant has disclosed to the Trustee documents containing accounting and/or legal advice, the Claimant does not waive any potential privileges applicable thereto.

10. The Claimant reserves all rights with respect to submitting information to the Internal Revenue Service regarding gains, losses, and/or theft of assets.
11. The Claim Form and supporting documents contain confidential information. The Claimant submits this information to the Trustee subject to the condition that this information will not be disclosed to any third parties, other than under seal to the Court, absent the Claimant's express consent or Court order.
12. The Claimant submits herewith documents in support of the Claimant's claim, including documents containing information regarding account transactions, such as contributions and/or withdrawals. The Claimant reserves any arguments that such documents are not relevant to the Trustee's inquiry. The Claimant further reserves the right to supplement this submission, including the submission of additional documents, if deemed necessary. Below is a list of the documents submitted herewith:

**2008:**

- BMIS Account Statements dated 09/30/08, 10/31/08 and 11/30/08.